



Issue Date: 26 October 2007

CASE NO.: 2007-ERA-4

In the Matter of

CYNTHIA SIBBITS,  
Complainant

v.

IBA MOLECULAR NORTH AMERICA, INC.,  
Respondent

**ORDER APPROVING SETTLEMENT AGREEMENT AND DISMISSING  
COMPLAINT WITH PREJUDICE**

This proceeding arises from a complaint filed by Cynthia Sibbits against IBA Molecular North America, Inc. This proceeding arises under the Energy Reorganization Act (ERA) of 1974 as amended, 42 U.S.C. § 5851, and the regulations promulgated thereunder 29 C.F.R. Part 24. On October 25, 2007 the parties filed a Joint Motion for Dismissal With Prejudice and Settlement Agreement (Settlement Agreement) in accordance with 29 C.F.R. § 24.6.

The administrative law judge's role in reviewing the parties' settlement agreement is limited to ascertaining whether the terms of the agreement fairly, adequately and reasonably settle the Complainant's allegations that the Respondent violated the Act. 42 U.S.C. 5851(b)(2)(A); 29 C.F.R. 24.6(f)(1), 24.7(a), 24.8(a); *Hoffman v. Fuel Economy Contracting, 1987-ERA-33 (Sec'y Aug. 4, 1989)*. Pursuant to the requirements of the Act and the implementing regulations, I have carefully reviewed the terms of the parties' Settlement Agreement, and I have determined that it constitutes a fair, adequate and reasonable settlement of the complaint.

ACCORDINGLY, it is hereby ORDERED that:

1. The "Joint Motion for Dismissal With Prejudice and Settlement Agreement" is APPROVED and
2. The complaint of Cynthia Sibbits is DISMISSED with prejudice.

**A**

MICHAEL P. LESNIAK  
Administrative Law Judge

**NOTICE OF APPEAL RIGHTS:** This Decision and Order will become the final order of the Secretary of Labor unless a written petition for review is filed with the Administrative Review Board ("the Board") within 10 business days of the date of this decision. The petition for review must specifically identify the findings, conclusions or orders to which exception is taken. Any exception not specifically urged ordinarily will be deemed to have been waived by the parties. The date of the postmark, facsimile transmittal, or e-mail communication will be considered to be the date of filing. If the petition is filed in person, by hand-delivery or other means, the petition is considered filed upon receipt.

The Board's address is: Administrative Review Board, U.S. Department of Labor, Room S-4309, 200 Constitution Ave., NW., Washington, DC 20210.

At the same time that you file your petition with the Board, you must serve a copy of the petition on (1) all parties, (2) the Chief Administrative Law Judge, U.S. Dept. of Labor, Office of Administrative Law Judges, 800 K Street, NW, Suite 400-North, Washington, DC 20001-8001, (3) the Assistant Secretary, Occupational Safety and Health Administration, and (4) the Associate Solicitor, Division of Fair Labor Standards. Addresses for the parties, the Assistant Secretary for OSHA, and the Associate Solicitor are found on the service sheet accompanying this Decision and Order.

If the Board exercises its discretion to review this Decision and Order, it will specify the terms under which any briefs are to be filed. If a timely petition for review is not filed, or the Board denies review, this Decision and Order will become the final order of the Secretary of Labor. *See* 29 C.F.R. §§ 24.109(e) and 24.110, found at 72 Fed. Reg. 44956-44968 (Aug. 10, 2007).